

Sub D/O  
10. (Amended) The electrophoretic display of Claim 1 wherein the top surface of said cell walls is about  $0.02\mu$  to about  $15\mu$  above the top surface of the electrophoretic fluid.

Sub B3  
18. (Amended) An electrophoretic display which comprises:  
a) two electrode plates;  
b) an array of cells having side walls that are sandwiched between the two electrode plates, each of said cells is filled with an electrophoretic fluid comprising charged particles dispersed in a dielectric solvent or solvent mixture and individually sealed with a polymeric sealing layer and part of said sealing layer is in contact with the side walls of said cells and the top surface of the cell walls is at least  $0.01\mu$  above the top surface of the electrophoretic fluid.

Sub D/O  
24. (Amended) The electrophoretic display of Claim 18 wherein the top surface of said cell walls is about  $0.02\mu$  to about  $15\mu$  above the top surface of the electrophoretic fluid.

### REMARKS

In the Office Action, the Examiner provisionally rejected Claims 1, 2, 4, 6, 18, 19, 20, 32, 34, 35 and 36 for obviousness-type double patenting; Claims 1-6, 18 and 32 under 35 U.S.C. 102(e) as being anticipated by Comiskey et al. (U.S. 6,327,072B2); Claims 6-8 under 35 U.S.C. 103(a) as being unpatentable over Comiskey et al; Claims 12-17, 26-31 under 35 U.S.C. 103(a) as being unpatentable over Cosmiskey et al.; and Claims 33-36 under 35 U.S.C. 103(a) as being unpatentable over Cosmiskey et al.

Applicants note with appreciation the allowance of Claims 9-11 and 23-25.

In the interest of expediting allowance of this application, Applicants have now amended Claims 1, 10, 18 and 24 and cancelled Claims 2, 3, 9 and 23.

Claims 1, 10, 18 and 24 are amended and Claims 2, 3, 9 and 23 are cancelled without prejudice to future prosecution of the original claims or the original claims in an amended form.

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